

AMENDMENTS TO THE CLAIMS

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1. (original) A method of determining a data rate comprising the steps of:
receiving an available power message at a receiver indicating future available transmit power at a transmitter;
performing a signal-to-interference measurement at the receiver for a signal transmitted by the transmitter; and
determining a data rate using the future available transmit power and the measured signal-to-interference ratio.
 2. (original) The method of claim 1, wherein the available power message includes a pilot-forward link ratio or a burst pilot transmitted using a known percentage of current available transmit power.
 3. (original) The method of claim 2, wherein the pilot-forward link ratio indicates current pilot transmit power and current forward link power.
 4. (original) The method of claim 2, wherein the pilot-forward link ratio indicates future pilot transmit power and future forward link power.
 5. (original) The method of claim 2, wherein the available power message indicates Doppler effects associated with the receiver.
 6. (original) The method of claim 2, wherein the available power message indicates future data activity of the transmitter.
 7. (original) The method of claim 2, wherein the available power message indicates future data activity of other transmitters.
 8. (original) The method of claim 7, wherein the step of determining the data rate comprises the steps of:

predicting a future signal-to-interference measurement using the future data activity of the other transmitters which may cause interference to data transmissions from the transmitter.

[[9.]] 26. (currently amended) The method of claim 8, wherein the data rate is based on the predicted future signal-to-interference measurement.

9. (original) The method of claim 1, wherein the step of determining the data rate comprises the steps of:

performing signal-to-interference measurements at the receiver for signals transmitted by other transmitters.

10. (original) The method of claim 9, wherein the data rate is based on the signal-to-interference measurements of the other transmitters.

11. (original) The method of claim 1, wherein the step of performing the signal-to-interference measurement comprises the steps of:

determining an other cell signal-to-interference measurement based on the signal-to-interference measurement of the transmitter.

12. (original) The method of claim 1 comprising the additional step of:
transmitting the determined data rate to the transmitter.

13. (original) The method of claim 12 comprising the additional step of:
receiving a data transmission from the transmitter at or about the determined data rate.

14. (original) A method of determining a data rate comprising the steps of:
transmitting an available power message to a receiver indicating future available transmit power at a transmitter;
receiving a data rate message transmitted by the receiver indicating a data rate at which the receiver can receive data, wherein the data rate is based on a signal-to-interference measurement made at the receiver and the available power message.

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15. (original) The method of claim 14, wherein the available power message includes a burst pilot transmitted at a known percentage of current available transmit power.
16. (original) The method of claim 14, wherein the available power message includes a pilot-forward link ratio.
17. (original) The method of claim 14, wherein the available power message is based on power control messages.
18. (original) The method of claim 14 comprising the additional step of:
scheduling data transmissions based on the received data rate message.
19. (original) The method of claim 14 comprising the additional step of:
adjusting the data rate indicated in the received data rate message.
20. (original) The method of claim 19 comprising the additional step of:
transmitting data to the receiver the adjusted data rate.
21. (original) The method of claim 14 comprising the additional step of:
transmitting data to the receiver at or about the data rate indicated in the received data rate message.
22. (original) A method of determining a data rate comprising the steps of:
performing a signal-to-interference measurement at a receiver for a forward link signal transmitted by a transmitter;
transmitting the signal-to-interference measurement to the transmitter; and
receiving an indication of a data rate based on available transmit power at the transmitter and the measured signal-to-interference.
23. (original) The method of claim 22 comprising the additional step of:
receiving data transmissions at the indicated data rate.

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24. (currently amended) A method of determining a data rate comprising the steps of:
- receiving signal-to-interference measurements from a plurality of receivers;
 - determining data rates based on available transmit power and the received signal-to-interference measurements; ~~and~~
 - transmitting data to one of the plurality of the receivers at one of the determined data rates; and
 - scheduling the plurality of receivers for time slotted data transmission based on the determined data rates.

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